

AMENDMENT AND RESPONSE TO OFFICE ACTION

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cont*

12. (Amended) [The compound of claim 9, wherein R₁ is n-butyl and R₂ is hydrogen.] A physiologically acceptable salt of β -2-hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane.

Please add the following claims.

35. (+)- β -D-2-Hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane or its physiologically acceptable salt, which is at least 95% free of its corresponding β -L-enantiomer.

36. A composition consisting essentially of (+)- β -D-2-hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane or its physiologically acceptable salt.

Remarks

The Examiner has rejected claims 1-6 under 35 U.S.C. §112, second paragraph, as indefinite on the basis that the terms "physiologically acceptable derivative, alkyl, aralkyl, and including" are unclear. Without agreeing with the Examiner on these points, to facilitate allowable subject matter, Applicants have amended the claims in a manner which deletes reference to these terms.

The Examiner's attention is directed to the related cases which are identified on Attachment A to this Amendment and Response. In particular, the Examiner's attention is

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directed to U.S. Serial No. 08/402,730, U.S. Serial No. 08/017,820 and U.S. Serial No. 08/482,875.

The Examiner is notified that Applicants' counsel's name has recently changed from Cheryl K. Zalesky to Sherry M. Knowles. All future correspondence in connection with this application will reflect this name change.

Respectfully submitted,



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ATTACHMENT A

08/681163
EMU104DIV(2)CONT(2)
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08/488097
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ABN
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